

now to order the yeas and nays on passage of S. 8.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. SIMPSON. Mr. President, I ask unanimous consent that the vote occur on final passage of S. 8 at 5:30 p.m. on Tuesday, April 8.

The PRESIDING OFFICER. Without objection, it is so ordered.

Without objection paragraph 4, rule XII is waived.

THE CALENDAR

Mr. SIMPSON. Mr. President, I inquire of the minority leader if he is in a position to pass the following calendar items: Calendar No. 574, S. 2179; Calendar No. 577, S. 1895; Calendar No. 582, S. 1707; Calendar No. 583, S. 1756; Calendar No. 584, S. 1952; Calendar No. 585, S. 2084; and Calendar item No. 586, Senate Joint Resolution 222.

Mr. BYRD. Mr. President, all the items identified have been cleared on this side of the aisle and we are ready to proceed en bloc or in whatever mode the distinguished Senator wishes.

Mr. SIMPSON. Mr. President, I appreciate that from the minority leader.

I ask unanimous consent that the calendar items just identified be considered en bloc and passed en bloc and that all committee-reported amendments and preambles be considered and agreed to.

The PRESIDING OFFICER. Without objection, it is so ordered.

REDUCTION IN TERMS OF OFFICE OF MEMBERS OF THE FEDERAL COMMUNICATIONS COMMISSION

The Senate proceeded to consider the bill (S. 2179) to amend the Communications Act of 1934 to provide for reduction in term of office of members of the Federal Communications Commission, and for other purposes, which had been reported from the Committee on Commerce, Science, and Transportation, with an amendment.

On page 2, strike line 4, through and including line 11, and insert the following:

(1) upon the expiration of the term of office prescribed by law to occur on June 30, 1988, any person appointed as a member of the Federal Communications Commission to fill such office for the term following such date shall be eligible to serve until June 30, 1990, and any person appointed as a member of the Federal Communications Commission to the term of office prescribed by law to expire on June 30, 1987, shall be eligible to serve until June 30, 1989; and

So as to make the bill read:

S. 2179

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) section 4(c) of the Communications Act of

1934 (47 U.S.C. 154(c)) is amended by striking "seven" and inserting in lieu thereof "five".

(b) The amendment made by subsection (a) of this section shall take effect on the date of enactment of this Act, except that—

(1) upon the expiration of the term of office prescribed by law to occur on June 30, 1988, any person appointed as a member of the Federal Communications Commission to fill such office for the term following such date shall be eligible to serve until June 30, 1990, and any person appointed as a member of the Federal Communications Commission to the term of office prescribed by law to expire on June 30, 1987, shall be eligible to serve until June 30, 1989; and

(2) notwithstanding the provisions of subsection (a) of this section, persons appointed as members of the Federal Communications Commission to terms of office prescribed by law to expire on June 30, 1988, June 30, 1991, and June 30, 1992, shall be eligible to serve until the expiration of the term of office on June 30, 1988, June 30, 1991, and June 30, 1992, whichever is applicable.

Mr. HOLLINGS. Mr. President, S. 2179 is good legislation that is designed to correct a disturbing situation—the fact that for 2 consecutive years out of every 7, no term of an FCC Commissioner will expire. We find ourselves with this problem because when we reduced the number of FCC Commissioners from seven to five in 1982, we did not also reduce the length of terms from 7 years to 5. Undoubtedly, congressional oversight of the FCC will diminish during these 2-year gaps, as will a President's ability to appoint commissioners during a 4-year term in office.

S. 2179 remedies this problem by shortening the length of terms to 5 years. It also changes the length of two terms—the one beginning in 1986 and the one ending in 1987—to ensure that a term will expire in both 1989 and 1990—years where currently no term is set to expire.

I want to thank Senator GOLDWATER for introducing this important legislation. It is clearly supported by all parties and it received unanimous approval from the Commerce Committee. I urge my colleagues to support it.

The PRESIDING OFFICER. The question is on agreeing to the committee amendment.

The committee amendment was agreed to.

The PRESIDING OFFICER. The bill is before the Senate and open to further amendment. If there be no amendment to be proposed, the question is on the engrossment and third reading of the bill.

The bill (S. 2179), as amended, was ordered to be engrossed for a third reading, was read the third time, and passed.

Mr. SIMPSON. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. BYRD. I move to lay the motion on the table.

The motion to lay on the table was agreed to.

RELIEF OF MARLBORO COUNTY GENERAL HOSPITAL CHARITY OF BENNETTSVILLE, SC

The bill (S. 1895) for the relief of Marlboro County General Hospital Charity of Bennettsville, SC, was considered.

Mr. THURMOND. Mr. President, today the Senate considers legislation which would provide equitable relief to the Marlboro County General Hospital Charity [MCGHC]. This bill would allow this charitable trust the opportunity to continue providing indigent health care to the citizens of the most economically depressed county in my State. According to recent statistics, Marlboro County has the highest unemployment rate (14.2 percent) and the lowest yearly per capita income (\$5,814) of the 46 South Carolina counties.

Prior to its sale, Marlboro General Hospital Inc., a nonprofit corporation, provided health care services to poor citizens of Marlboro County. This hospital was built with funds provided under the Federal Hill-Burton Program. Hospitals which received these funds were required to provide health services to the poor, including those who might not be eligible for Medicaid, or Medicare, or had no private health insurance. This obligation extended for a period of 20 years after the Hill-Burton funds had been received. Marlboro General was sold in 1981 to the Hospital Corporation of America. The sale occurred prior to the 20-year period, since the Hill-Burton funds had been received in 1962 and 1968. This charitable trust was established from the proceeds of the sale.

Under current law, the Department of Health and Human Services [HHS] has a claim to a share of the Hill-Burton funds distributed. However, the claim can be waived if the buyer agrees to establish a trust in twice the amount owed HHS, and to use these funds to provide indigent health care.

Mr. President, Marlboro County General Hospital Charity deserves the relief this bill would provide because it is in total compliance with the basic policy of the Hill-Burton waiver provisions. MCGHC has always provided funds for indigent health care services to deserving Marlboro County citizens. The trustees have always been willing to establish this trust in total compliance with these waiver provisions. However, because they are the sellers and not the purchasers of the hospital, current law prohibits MCGHC from obtaining a waiver. Without the relief this bill provides, MCGHC will be forced to return funds which have been and continue to be used for their originally intended purposes. Such a result would be an example of form prevailing over substance.

This bill mandates that the MCGHC indigent health care trust be established in compliance with current law. It would require MCGHC to enter into

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The PRESIDING OFFICER. Without objection, it is so ordered.

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